

HOUSE BILL No. 1339

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-20; IC 20-28.

Synopsis: Teachers. Establishes the Indiana teacher retention and recruitment program to improve teacher retention rates, recruitment, and quality. Establishes the Indiana teacher retention and recruitment program fund to be used to fund programs developed by the department in consultation with teachers, educators, and other education interest groups. Establishes the Indiana new teacher mentoring program and fund to provide grants to school corporations and charter schools to be used for stipends for mentors. Makes changes to the factors used to determine increases or increments in a local salary range. Provides that a teacher rated as ineffective may not receive a raise. (Current law provides that a teacher rated as ineffective or improvement necessary may not receive a raise.) Makes changes to the requirements for a school corporation's annual performance evaluation plan. Establishes the goal that by 2035, there will be at least one teacher who is certified by the National Board for Professional Teaching Standards (national board) in every public school. Provides that the Indiana teacher retention and recruitment program fund may be used for purposes of: (1) reimbursing 50% of the national board certification fee; and (2) funding stipends for national board certified teachers who serve as mentors to other teachers. Provides for an annual salary supplement of \$1,000 for a national board certified teacher. Makes an appropriation.

Effective: July 1, 2016.

Truitt, McNamara, Cook, Porter

January 12, 2016, read first time and referred to Committee on Education.



Second Regular Session of the 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

HOUSE BILL No. 1339

A BILL FOR AN ACT to amend the Indiana Code concerning education and to make an appropriation.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 20-20-42 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2016]:
4 **Chapter 42. Indiana Teacher Retention and Recruitment**
5 **Program**
6 **Sec. 1.** As used in this chapter, "fund" refers to the Indiana
7 teacher retention and recruitment program fund established by
8 section 4 of this chapter.
9 **Sec. 2.** As used in this chapter, "program" refers to the Indiana
10 teacher retention and recruitment program established by section
11 3 of this chapter.
12 **Sec. 3. (a)** The Indiana teacher retention and recruitment
13 program is established to improve teacher retention rates,
14 recruitment, and quality. Except as provided in subsection (b), the
15 department, in consultation with teachers, school officials, and
16 other education interest groups shall develop and implement
17 programs to do the following:



(1) Promote the mentoring of inexperienced teachers by effective role models.

(2) Promote the teaching profession in Indiana and the recruitment of teachers.

(3) Assist school corporations in developing compensation models that:

(A) include a pay scale that has a professionally competitive base and index;

(B) include regular increases of the base salary;

(C) expand opportunities for pay increases based on career paths, including ongoing learning through advanced degrees or additional licensure in education or related content areas; and

(D) establish and compensate teacher leadership and career ladders that have mentoring opportunities and ongoing advancement, support, and recognition of teacher skills and experience.

(4) Assist school corporations in developing teacher evaluation plans under IC 20-28-11.5-4 that emphasize the use of data from multiple forms of assessment, including informal, teacher constructed, and standardized assessments to improve instruction and measure student growth.

(5) Improve or extend preservice clinical experience before licensure.

(6) Improve teacher and administrative knowledge and practice focused professional development programs.

(7) Increase teacher career pathways and leadership opportunities inside or outside the classroom.

(b) The programs developed and implemented by the department under subsection (a) must increase underrepresented populations in the teaching workforce.

(c) The scope of the development and implementation of programs under subsection (a) are subject to the availability and allocation of sufficient funding necessary for the department to staff the programs and carry out its responsibilities under this chapter.

(d) The department may award grants to school corporations or school personnel for programs established by the department under subsection (a) using criteria developed and in a manner prescribed by the department and approved by the state board.

Sec. 4. (a) The Indiana teacher retention and recruitment program fund is established to fund programs established by the



department under section 3 of this chapter.

(b) The fund shall be administered by the department.

(c) The fund consists of:

- (1) appropriations made by the general assembly; and
- (2) gifts, grants, devises, and bequests in money, property, or other forms made to the fund.

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

(e) The money in the fund at the end of a state fiscal year does not revert to the state general fund but remains in the fund to be used exclusively for purposes of this chapter.

SECTION 2. IC 20-20-43 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 43. Indiana New Teacher Mentoring Program

Sec. 1. This chapter applies to an individual who receives an initial Indiana teaching license after March 31, 2016.

Sec. 2. As used in this chapter, "advisor" means a representative of a teacher training institution within Indiana who acts as a teacher advisor for a new teacher.

Sec. 3. As used in this chapter, "beginning teacher" means an individual who:

- (1) is employed as a teacher at a public school;
- (2) has not successfully completed a mentoring program under this chapter; and
- (3) has three (3) years or less of teaching experience.

Sec. 4. As used in this chapter, "mentor" refers to an individual who is assigned under section 9 of this chapter.

Sec. 5. As used in this chapter, "mentoring program" refers to the Indiana new teacher mentoring program established under section 7 of this chapter.

Sec. 6. As used in this chapter, "teacher training institution" means a college or university offering a program of teacher education approved by the board.

Sec. 7. (a) The Indiana new teacher mentoring program is established to:

- (1) assist new teachers in the performance of their duties;
- (2) identify teaching skills and educational practices necessary to acquire and maintain excellence in teaching;
- (3) evaluate the performance of beginning teachers by principals; and



(4) evaluate the quality of teacher training programs.

(b) The department shall award grants to school corporations and charter schools for the purpose of providing stipends to mentors under section 9 of this chapter. The department, with the approval of the state board, shall establish criteria and the manner for distributing grants under this chapter.

Sec. 8. (a) The Indiana new teacher mentoring program fund is established to fund grants made by the department to school corporations and charter schools to award mentor stipends under section 9 of this chapter.

(b) The fund shall be administered by the department.

(c) The fund consists of:

- (1) appropriations made by the general assembly; and
- (2) gifts, grants, devises, and bequests in money, property, or other forms made to the fund.

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

(e) The money in the fund at the end of a state fiscal year does not revert to the state general fund but remains in the fund to be used exclusively for purposes of this chapter.

Sec. 9. (a) Each school corporation and charter school that receives a grant under this chapter shall, with the consent of the mentor, assign a mentor to assist each beginning teacher under the mentorship program. The superintendent shall, whenever possible, assign a mentor who:

- (1) has at least five (5) years of teaching experience;
- (2) teaches at a grade level similar to that of the beginning teacher;
- (3) teaches similar subjects as those of the beginning teacher; and
- (4) teaches in the same building as the beginning teacher.

(b) A mentor must be a teacher that is rated as effective or highly effective in an annual performance evaluation plan developed under IC 20-28-11.5-4.

(c) A mentor does not become a supervisor as a result of performing duties under this chapter.

(d) The superintendent shall take the action necessary to provide a mentor adequate time for the mentor to observe the beginning teacher in a classroom setting. Whenever practical, the superintendent shall provide the mentor release time from the mentor's nonclassroom duties.



(e) A mentor is entitled to an annual stipend from a grant made under this chapter of one (1) of the following:

(1) One thousand dollars (\$1,000) to a mentor of a beginning teacher with one (1) school year or less of teaching experience.

(2) Eight hundred dollars (\$800) to a mentor of a beginning teacher with more than one (1) school year and two (2) school years or less of teaching experience.

(3) Six hundred dollars (\$600) to a mentor of a beginning teacher with more than two (2) years and three (3) school years or less of teaching experience.

SECTION 3. IC 20-28-9-1.5, AS AMENDED BY P.L.213-2015, SECTION 179, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1.5. (a) This subsection governs salary increases for a teacher employed by a school corporation. Compensation attributable to additional degrees or graduate credits earned before the effective date of a local compensation plan created under this chapter before July 1, 2015, shall continue for school years beginning after June 30, 2015. Compensation attributable to additional degrees for which a teacher has started course work before July 1, 2011, and completed course work before September 2, 2014, shall also continue for school years beginning after June 30, 2015. For school years beginning after June 30, 2015, a school corporation may provide a supplemental payment to a teacher in excess of the salary specified in the school corporation's compensation plan if the teacher has earned a master's degree from an accredited postsecondary educational institution in a content area directly related to the subject matter of:

(1) a dual credit course; or

(2) another course;

taught by the teacher. In addition, a supplemental payment may be made to an elementary school teacher who earns a master's degree in math or reading and literacy. A supplement provided under this subsection is not subject to collective bargaining, but a discussion of the supplement must be held. Such a supplement is in addition to any increase permitted under subsection (b).

(b) Increases or increments in a local salary range must be based upon a **professionally competitive base salary and index and made regularly using a** combination of the following factors:

(1) A combination of the following factors taken together may account for not more than thirty-three percent (33%) of the calculation used to determine a teacher's increase or increment:

(A) The number of years of a teacher's experience.

(B) The attainment of either:



- 1 (i) additional content area degrees beyond the requirements
- 2 for employment; or
- 3 (ii) additional content area degrees and credit hours beyond
- 4 the requirements for employment, if required under an
- 5 agreement bargained under IC 20-29.
- 6 (2) The results of an evaluation conducted under IC 20-28-11.5.
- 7 (3) The assignment of instructional leadership roles, including:
- 8 (A) the responsibility for conducting evaluations under
- 9 IC 20-28-11.5; or
- 10 (B) mentoring responsibilities.
- 11 (4) The academic needs of students in the school corporation.
- 12 **(5) Teacher career paths or career ladder opportunities that**
- 13 **provide ongoing advancement, support, and recognition of the**
- 14 **teacher's skills and expertise.**
- 15 (c) A teacher rated ineffective ~~or improvement necessary~~ under
- 16 IC 20-28-11.5 may not receive any raise or increment for the following
- 17 year if the teacher's employment contract is continued. The amount that
- 18 would otherwise have been allocated for the salary increase of teachers
- 19 rated ineffective ~~or improvement necessary~~ shall be allocated for
- 20 compensation of all teachers rated effective and highly effective based
- 21 on the criteria in subsection (b).
- 22 (d) A teacher who does not receive a raise or increment under
- 23 subsection (c) may file a request with the superintendent or
- 24 superintendent's designee not later than five (5) days after receiving
- 25 notice that the teacher received a rating of ineffective. The teacher is
- 26 entitled to a private conference with the superintendent or
- 27 superintendent's designee.
- 28 (e) The department shall publish a model compensation plan with
- 29 a model salary range that a school corporation may adopt. Before July
- 30 1, 2015, the department may modify the model compensation plan, as
- 31 needed, to comply with subsection (f).
- 32 (f) Each school corporation shall submit its local compensation plan
- 33 to the department. For a school year beginning after June 30, 2015, a
- 34 local compensation plan must specify the range for teacher salaries.
- 35 The department shall publish the local compensation plans on the
- 36 department's Internet web site.
- 37 (g) The department shall report any noncompliance with this section
- 38 to the state board.
- 39 (h) The state board shall take appropriate action to ensure
- 40 compliance with this section.
- 41 (i) This chapter may not be construed to require or allow a school
- 42 corporation to decrease the salary of any teacher below the salary the



1 teacher was earning on or before July 1, 2015, if that decrease would
2 be made solely to conform to the new compensation plan.

3 (j) After June 30, 2011, all rights, duties, or obligations established
4 under IC 20-28-9-1 before its repeal are considered rights, duties, or
5 obligations under this section.

6 SECTION 4. IC 20-28-11.5-4, AS AMENDED BY P.L.239-2015,
7 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2016]: Sec. 4. (a) Each school corporation shall develop a
9 plan for annual performance evaluations for each certificated
10 employee. A school corporation shall implement the plan beginning
11 with the 2012-2013 school year.

12 (b) Instead of developing its own staff performance evaluation plan
13 under subsection (a), a school corporation may adopt a staff
14 performance evaluation plan that meets the requirements set forth in
15 this chapter or any of the following models:

16 (1) A plan using master teachers or contracting with an outside
17 vendor to provide master teachers.

18 (2) The System for Teacher and Student Advancement (TAP).

19 (3) The Peer Assistance and Review Teacher Evaluation System
20 (PAR).

21 (c) A plan must include the following components:

22 (1) Performance evaluations for all certificated employees,
23 conducted at least annually.

24 (2) Objective measures of student achievement and growth to
25 significantly inform the evaluation. ~~The objective measures must~~
26 ~~include:~~

27 ~~(A) student assessment results from statewide assessments for~~
28 ~~certificated employees whose responsibilities include~~
29 ~~instruction in subjects measured in statewide assessments;~~

30 ~~(B) methods for assessing student growth for certificated~~
31 ~~employees who do not teach in areas measured by statewide~~
32 ~~assessments; and~~

33 ~~(C) student assessment results from locally developed~~
34 ~~assessments and other test measures for certificated employees~~
35 ~~whose responsibilities may or may not include instruction in~~
36 ~~subjects and areas measured by statewide assessments.~~

37 (3) Rigorous measures of effectiveness, including observations
38 and other performance indicators.

39 (4) An annual designation of each certificated employee in one
40 (1) of the following rating categories:

41 (A) Highly effective.

42 (B) Effective.



(C) Improvement necessary.

(D) Ineffective.

(5) An explanation of the evaluator's recommendations for improvement, and the time in which improvement is expected.

(6) A provision that a teacher who negatively affects student achievement and growth cannot receive a rating of highly effective or effective.

(7) For annual performance evaluations for school years beginning after June 30, 2015, provide for a pre-evaluation planning session conducted by the superintendent or equivalent authority for the school corporation with the principals in the school corporation.

(d) In developing a performance evaluation model, a school corporation may consider the following:

(1) Test scores of students (both formative and summative).

(2) Classroom presentation observations.

(3) Observation of student-teacher interaction.

(4) Knowledge of subject matter.

(5) Dedication and effectiveness of the teacher through time and effort on task.

(6) Contributions of teachers through group teacher interactivity in fulfilling the school improvement plan.

(7) Cooperation of the teacher with supervisors and peers.

(8) Extracurricular contributions of the teacher.

(9) Outside performance evaluations.

(10) Compliance with school corporation rules and procedures.

(11) Other items considered important by the school corporation in developing each student to the student's maximum intellectual potential and performance.

The state board and the department may recommend additional factors, but may not require additional factors unless directed to do so by the general assembly.

(e) This subsection applies to plans applicable to annual performance evaluations for school years beginning after June 30, 2015. The plan must:

(1) be in writing; and

(2) be explained to the governing body in a public meeting;

before the evaluations are conducted. Before explaining the plan to the governing body, the superintendent of the school corporation shall discuss the plan with teachers or the teachers' representative, if there is one. This discussion is not subject to the open door law (IC 5-14-1.5). The plan is not subject to bargaining, but a discussion of



the plan must be held.

(f) The evaluator shall discuss the evaluation with the certificated employee.

SECTION 5. IC 20-28-13 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 13. National Board Certification Incentives

Sec. 1. The general assembly establishes a goal that by 2035 there will be at least one (1) national board certified teacher in every public school.

Sec. 2. As used in this chapter, "fund" refers to the Indiana teacher retention and recruitment program fund established in IC 20-20-42-4.

Sec. 3. As used in this chapter, "mentor" has the meaning set forth in IC 20-20-43-4.

Sec. 4. As used in this chapter, "national board" refers to the National Board for Professional Teaching Standards, a nonpartisan, independent, and nonprofit board composed of teachers and others that:

- (1) has developed a set of standards for teachers; and
- (2) operates a national voluntary system to assess and certify teachers who meet the board's standards.

Sec. 5. As used in this chapter, "national board certification" means a demonstration by an experienced teacher of the teacher's teaching practice as measured against the standards of the national board through an assessment process administered by the national board.

Sec. 6. A school corporation may, at its own expense, provide paid release time for teachers pursuing national board certification.

Sec. 7. If a teacher does not successfully complete all assessments required for national board certification during a school year, the provisions in this chapter may be applied to a second school year for that teacher.

Sec. 8. A teacher who attains national board certification after June 30, 2015, shall be reimbursed from the fund for fifty percent (50%) of the certification fee for the initial ten (10) year certificate. Fees for renewal of the national board certificate are at the teacher's expense.

Sec. 9. (a) A national board certified teacher is entitled to receive a stipend from the fund in addition to the teacher's annual compensation for serving as a mentor to teachers within the



1 teacher's school or school corporation in a mentoring program
2 approved by the department.

3 (b) A national board certified teacher is not required to
4 complete training under IC 20-20-43 to serve as a mentor.

5 Sec. 10. (a) After June 30, 2016, a school corporation shall
6 provide a public school teacher who has attained national board
7 certification as of July 1, 2016, or thereafter with an annual
8 national board certification salary supplement of one thousand
9 dollars (\$1,000) for the life of the certificate.

10 (b) If a national board certified teacher ceases to be employed
11 as a classroom teacher or a teacher mentor in the field of the
12 teacher's national certification, the salary supplement under this
13 section ends.

14 Sec. 12. The state board shall adopt rules under IC 4-22-2 to
15 carry out this chapter.

16 SECTION 6. [EFFECTIVE JULY 1, 2016] (a) There is
17 appropriated to the Indiana teacher retention and recruitment
18 program fund established by IC 20-20-42-4, as added by this act,
19 five million dollars (\$5,000,000) for the state fiscal year beginning
20 July 1, 2016, and ending June 30, 2017, from the state general fund
21 for use in carrying out the purposes of the Indiana teacher
22 retention and improvement program as described in IC 20-20-42-3
23 and IC 20-28-13, both as added by this act.

24 (b) This SECTION expires July 1, 2017.

25 SECTION 7. [EFFECTIVE JULY 1, 2016] (a) There is
26 appropriated to the Indiana new teacher mentoring program fund
27 established by IC 20-20-43-8, as added by this act, seven million
28 two hundred thousand dollars (\$7,200,000) for the state fiscal year
29 beginning July 1, 2016, and ending June 30, 2017, from the state
30 general fund for use in carrying out the purposes of the Indiana
31 new teacher mentoring program as described in IC 20-20-43-7, as
32 added by this act.

33 (b) This SECTION expires July 1, 2017.

34 SECTION 8. An emergency is declared for this act.

